

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:22-cv-00184

KAREN FOXX,

Plaintiff

v.

OUTBACK STEAKHOUSE OF FLORIDA,
LLC,

Defendant.

NOTICE OF REMOVAL

Defendant Outback Steakhouse of Florida, LLC (hereinafter, “Defendant”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. Defendant states the following in support of its removal:

1. Plaintiff commenced this action on January 31, 2022 against Defendant in the Rowan County Superior Court, State of North Carolina, by filing a Complaint styled *Karen Foxx v. Outback Steakhouse of Florida, LLC*, File No. 21 CvS 176 (the “State Court Action”).

2. Plaintiff served Defendant with the Summons and Complaint on February 7, 2022 through its registered agent, Corporate Creations Network, Inc.

3. Defendant files this Notice of Removal within thirty (30) days from service of process of the Summons and Complaint which sets forth claims for relief upon which this proceeding is based, pursuant to 28 U.S.C. § 1441 and 1446(b)(1).

4. All process, pleadings, and orders filed in the State Court action, which were served on Defendant are attached as Exhibits A through B.

5. Defendant has not yet filed an answer or other responsive pleading in the State Court Action. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim it may have.

6. Plaintiff is a citizen and resident of Rowan County, North Carolina.

7. Defendant is a Florida limited liability company with its principal place of business in Florida.

8. Plaintiff is asserting a claim for negligence based on an alleged fall at an Outback Steakhouse location in Salisbury, North Carolina. Plaintiff alleges that “she has suffered painful personal injuries,” that she is entitled to recover damages, including “expenses for the care and treatment of aforesaid injuries, including doctor fees, hospital charges, diagnostic testing fees, skilled nursing care, and the like, past, present and future; pain and suffering, past, present and future; out-of-pocket expense incurred or to be incurred for medications and medical devices, past present and future; permanent impairment of her physical faculties; loss of use of her physical faculties, past, present, and future; and, permanent scarring and disfigurement.” Upon information and belief, Plaintiff’s alleged damages are in excess of \$75,000.00.

9. The District Courts of the United States have original jurisdiction of this action pursuant to 28 U.S.C. § 1332. There is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

10. Service of this Notice of Removal is being made on the Plaintiff as shown by the attached certificate of service.

11. As required by 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendant will serve Plaintiff and file with the Rowan County Superior Court a Notice of Filing of Notice of Removal.

WHEREFORE, Defendant prays that this action be removed to this Court for all further proceedings, as though this action had originally been instituted in this Court. Defendant further requests that this Court assume jurisdiction over this action and proceed to a final determination thereof.

This the 8th day of March, 2022.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
CHRISTOPHER A. PAGE
N.C. State Bar No. 19600
RACHEL H. BOYD
N.C. State Bar No. 56974
3101 Glenwood Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: chris.page@youngmoorelaw.com
Email: rachel.boyd@youngmoorelaw.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and served the attorney listed below by U.S. Mail:

Michael Doran, Esq.
DORAN LAW OFFICES
P.O. Box 1006
Salisbury, NC 28145-1006
Attorneys for Plaintiff

This the 8th day of March, 2022.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
CHRISTOPHER A. PAGE
N.C. State Bar No. 19600
RACHEL H. BOYD
N.C. State Bar No. 56974
3101 Glenwood Avenue, Suite 200
Raleigh, North Carolina 27612
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: chris.page@youngmoorelaw.com
Email: rachel.boyd@youngmoorelaw.com
Attorneys for Defendant